

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CA, INC., D/B/A CA TECHNOLOGIES,

Plaintiff,

v.

NEW RELIC, INC.,

Defendant.

Case No. 12-cv-05468-JS-WDW

**PLAINTIFF CA, INC.'S AND DEFENDANT NEW RELIC INC.'S FURTHER
AMENDED JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to the Court's Pretrial Order adopting the parties' discovery Scheduling Order in their Rule 26(f) Planning Meeting dated February 12, 2013, Plaintiff CA, Inc. ("CA") and Defendant New Relic, Inc. ("New Relic") hereby submit the parties' Further Amended Joint Claim Construction and Pre-hearing Statement. Attached as Exhibit A is a list of agreed constructions for claim terms, phrases or clauses for U.S. Patent Nos. 7,225,361, 7,512,935, and 7,797,580. Attached as Exhibit B is a list of disputed constructions for claim terms, phrases or clauses for U.S. Patent Nos. 7,225,361, 7,512,935, and 7,797,580.

Exhibit A reflects the addition of the "exit code" term. During the November 25, 2013 claim construction hearing before the Court, the parties agreed that "exit code" should be construed as: "a section of object code for execution for multiple normal exits as well as for multiple exceptions."

Terms not specifically identified in Exhibits A and B should be given their plain and ordinary meanings.

Dated: January 2, 2014

Respectfully submitted,

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EXHIBIT A

U.S. Patent No. 7,225,361	
Term or Phrase	Parties' Agreed Construction
timing mechanism	code timing execution of a routine [method]
U.S. Patent No. 7,512,935	
Term or Phrase	Parties' Agreed Construction
exit code	a section of object code for execution for multiple normal exits as well as for multiple exceptions
profiling process	added functionality that measures execution performance of existing code
adding new exit functionality	adding new exit code
new finalization code	object code that is called if either no exceptions occur or an unhandled exception occurs
exception(s)	error(s) during execution of code that cause an exception handler to be called
try and finally functionality	the execution of a block of code ("finally") regardless how an associated block of code ("try") exits
U.S. Patent No. 7,797,580	
Term or Phrase	Parties' Agreed Construction
timing mechanism	code timing execution of a routine

EXHIBIT B

U.S. Patent No. 7,225,361		
Disputed Claim Term or Phrase	CA's Proposed Construction	New Relic's Proposed Construction
stalled routine	a routine that does not complete within a desired timeframe	a routine that continues to run past a pre-determined threshold time
U.S. Patent No. 7,512,935		
Disputed Claim Term or Phrase	CA's Proposed Construction	New Relic's Proposed Construction
executed upon any exit	plain and ordinary meaning	executed upon all exits
U.S. Patent No. 7,797,580		
Disputed Claim Term or Phrase	CA's Proposed Construction	New Relic's Proposed Construction
approximation of an expected time frame	plain and ordinary meaning	pre-determined threshold time
reporting	plain and ordinary meaning as understood by one of ordinary skill in the art	communicating to a user